

# House Study Bill 764

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL  
BY CHAIRPERSON BELL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to natural resources, including by providing for  
2 the powers and duties of the department's director and natural  
3 resources commission, and the regulation of public lands and  
4 outdoor recreation, providing for penalties and making  
5 penalties applicable, and providing for fees.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 6563HC 82  
8 da/sc/14

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1 1 DIVISION I  
1 2 COUNTY RESOURCE ENHANCEMENT COMMITTEE  
1 3 Section 1. Section 455A.20, subsection 1, paragraphs a and  
1 4 b, Code 2007, are amended to read as follows:  
1 5 a. The chairpersons of the board of supervisors, county  
1 6 conservation board, commissioners of the soil and water  
1 7 district, and board of directors of each school district in  
1 8 the county. A chairperson may appoint a ~~member of the~~  
~~1 9 chairperson's board or commission as the chairperson's~~  
1 10 designee to serve on the committee. The chairperson or  
1 11 designee of a school district shall be a member of the county  
1 12 committee of the county in which a majority or the largest  
1 13 plurality of the district's students reside.  
1 14 b. The mayor or the mayor's designee of each city in a  
1 15 county. ~~The mayor's designee shall be a member of the city~~  
~~1 16 council.~~ If a city is located in more than one county, the  
1 17 membership shall be on the county committee of the county in  
1 18 which the largest population of the city resides.

1 19 DIVISION II  
1 20 RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND LICENSES  
1 21 Sec. 2. Section 321G.1, Code Supplement 2007, is amended  
1 22 by adding the following new subsections:  
1 23 NEW SUBSECTION. 11A. "Nonresident" means the same as  
1 24 defined in section 483A.1A.  
1 25 NEW SUBSECTION. 17A. "Resident" means the same as defined  
1 26 in section 483A.1A.

1 27 Sec. 3. Section 321I.1, subsection 14, Code Supplement  
1 28 2007, is amended to read as follows:  
1 29 14. "Nonresident" means ~~a person who is not a resident of~~  
~~1 30 this state the same as defined in section 483A.1A.~~

1 31 Sec. 4. Section 321I.1, subsection 23, Code Supplement  
1 32 2007, is amended to read as follows:  
1 33 23. "Resident" means ~~a person who meets the requirements~~  
~~1 34 for residency described the same as defined in section 321.1A~~  
1 35 483A.1A.

2 1 Sec. 5. Section 483A.1A, Code 2007, is amended by adding  
2 2 the following new subsection:

2 3 NEW SUBSECTION. 6A. "Nonresident" means a person who is  
2 4 not a resident.

2 5 Sec. 6. Section 483A.1A, subsection 7, Code 2007, is  
2 6 amended to read as follows:

2 7 7. "Resident" means a natural person who meets any of the  
2 8 following criteria for each calendar year in which the person  
~~2 9 claims status as a resident:~~

~~2 10 a. Has physically resided in this state at least thirty as~~  
~~2 11 the person's principal and primary home or domicile for a~~  
~~2 12 period of not less than one hundred eighty consecutive days~~  
2 13 immediately before applying for or purchasing a resident  
2 14 license, tag, or permit under this chapter and has been issued  
2 15 an Iowa driver's license or an Iowa nonoperator's

2 16 identification card. For the purposes of this paragraph,  
2 17 "principal and primary home or domicile" means the one and  
2 18 only residence where a person has a true, fixed, and permanent  
2 19 home, and to where, whenever the person is briefly and  
2 20 temporarily absent, the person intends to return, according to  
2 21 factors provided in section 483A.1B. A person is not  
2 22 considered a resident for purposes of this paragraph if the  
2 23 person is residing in the state only for a special or  
2 24 temporary purpose, including but not limited to hunting,  
2 25 fishing, or trapping.

2 26 b. (1) Is a full-time student at ~~an~~ any of the following:

2 27 (a) An educational institution located in this state and  
2 28 ~~resides if residing~~ in this state while attending the  
2 29 educational institution.

2 30 (b) An accredited educational institution located outside  
2 31 this state, if the person is under the age of twenty-five and  
2 32 has at least one parent or legal guardian who maintains that  
2 33 person's principal and primary home or domicile in this state.

2 34 (2) A student qualifies as a resident pursuant to this  
2 35 paragraph "b" only for the purpose of purchasing any resident  
3 1 license specified in section 483A.1 or 484A.2.

3 2 c. Is a nonresident under eighteen years of age whose  
3 3 parent is a resident of this state.

3 4 d. Is a member of the armed forces of the United States  
3 5 who is serving on active duty, claims residency in this state,  
3 6 and has filed a state individual income tax return as a  
3 7 resident pursuant to chapter 422, division II, for the  
3 8 preceding tax year, or is stationed in this state.

3 9 ~~e. Is registered to vote in this state.~~

3 10 Sec. 7. NEW SECTION. 483A.1B FACTORS USED TO DETERMINE A  
3 11 PERSON'S PRINCIPAL AND PRIMARY HOME OR DOMICILE.

3 12 1. The department shall determine whether a person  
3 13 maintains a principal and primary home or domicile in this  
3 14 state based on factors determined relevant by the department,  
3 15 including but not limited to all of the following:

3 16 a. The person's place of employment.

3 17 b. The person's mailing address.

3 18 c. Whether the person's name is listed on utility records  
3 19 for the claimed principal and primary home or domicile.

3 20 d. Whether the person's name appears on the title to land  
3 21 in this state including the claimed principal and primary home  
3 22 or domicile.

3 23 e. The address listed on the person's individual state and  
3 24 federal income tax returns.

3 25 2. A person claiming to maintain a principal and primary  
3 26 home or domicile in this state shall submit all documentation  
3 27 required to establish that fact to the department or a person  
3 28 designated by the department. The department or a person  
3 29 designated by the department shall keep information contained  
3 30 in the document confidential to the same extent that it would  
3 31 otherwise be confidential by state or federal law.

3 32 DIVISION III

3 33 RIDING AREAS AND TRAILS FOR ALL-TERRAIN VEHICLES

3 34 Sec. 8. Section 321I.2, Code 2007, is amended by adding  
3 35 the following new subsection:

4 1 NEW SUBSECTION. 9. The operation or maintenance of  
4 2 designated riding areas and designated riding trails.

4 3 Sec. 9. NEW SECTION. 321I.15A CIVIL PENALTY AND  
4 4 RESTITUTION.

4 5 Upon conviction for a violation of section 321I.14,  
4 6 subsection 1, paragraph "e", "f", or "g", the defendant, in  
4 7 addition to any other penalty including the criminal penalty  
4 8 provided in section 321I.15, shall be subject to civil  
4 9 remedies as follows:

4 10 1. a. The court shall assess the defendant a civil  
4 11 penalty of two hundred and fifty dollars. The civil penalty  
4 12 shall be deposited in the special all-terrain vehicle fund  
4 13 provided in section 321I.8.

4 14 b. The court may order the defendant to pay restitution to  
4 15 the titleholder of land for damages caused by the defendant's  
4 16 violation, to the extent that the titleholder consents to  
4 17 joining the action, and the titleholder's damages are  
4 18 established at trial. If the titleholder is the state, the  
4 19 amount of restitution ordered to be paid by the court shall be  
4 20 deposited in the special all-terrain vehicle fund provided in  
4 21 section 321I.8. If the titleholder is a governmental entity  
4 22 other than the state, the moneys shall be paid to the  
4 23 governmental entity for deposit in any fund or account from  
4 24 which moneys are used for the maintenance, repair, or  
4 25 improvement of the land where the damage occurred.

4 26 2. The attorney general or a county attorney who

4 27 prosecutes a criminal penalty for the violation shall execute  
4 28 the judgment, in cooperation with the commission, as any other  
4 29 civil judgment.

4 30 DIVISION IV

4 31 CONSTRUCTION ON STATE=OWNED OR STATE=MANAGED LAND OR WATERS

4 32 Sec. 10. Section 461A.4, Code 2007, is amended to read as  
4 33 follows:

4 34 461A.4 CONSTRUCTION ~~PERMIT == RULES ==~~ OF STRUCTURES AND  
4 35 OPERATION OF COMMERCIAL CONCESSIONS.

5 1 1. a. A person, ~~association, or corporation~~ shall not  
5 2 ~~build or erect any~~ construct a structure including but not  
5 3 ~~limited to a pier, wharf, sluice, piling, wall, fence,~~  
5 4 ~~obstruction, erection, or building, or erection of any kind~~  
5 5 upon or over any state-owned or state-managed land or water  
5 6 under the jurisdiction of the commission, without first  
5 7 obtaining from the commission a written permit. A permit, in  
5 8 matters relating to or in any manner affecting flood control,  
5 9 shall not be issued without approval of the environmental  
5 10 protection commission of the department. A person shall not  
5 11 ~~construct or maintain or erect any~~ a structure beyond the line  
5 12 of private ownership along or upon the shores of state-owned  
5 13 or state-managed waters in a manner to obstruct the passage of  
5 14 pedestrians along the shore between the ordinary high-water  
5 15 mark and the water's edge, except by permission of the  
5 16 commission.

5 17 b. ~~It shall be the duty of the~~ The commission to shall  
5 18 adopt and enforce rules governing and regulating the ~~building~~  
5 19 ~~or erection construction of any such pier, wharf, sluice,~~  
5 20 ~~piling, wall, fence, obstruction, building or erection of any~~  
5 21 ~~kind, and said a structure as provided in this subsection.~~  
5 22 The commission may prohibit, ~~or restrict its construction,~~ or  
5 23 order the ~~removal thereof~~ owner to remove the structure, when  
5 24 ~~in the judgment of said commission determines that it will be~~  
5 25 ~~for is in~~ the best interest of the public. The commission  
5 26 shall comply with the provisions of chapter 17A when issuing  
5 27 an order under this section.

5 28 ~~Any person, firm, association, or corporation violating any~~  
5 29 ~~of the provisions of this section or any rule adopted by the~~  
5 30 ~~commission under the authority of this section shall be guilty~~  
5 31 ~~of a simple misdemeanor.~~

5 32 2. A person, ~~association, or corporation~~ shall not operate  
5 33 a commercial concession area in a park, forest, fish and wildlife  
5 34 area, or recreation area under the jurisdiction of the  
5 35 department without first entering into a written contract with  
6 1 the department. The contract shall state the consideration  
6 2 and other terms under which the concession may be operated.  
6 3 The department may cancel or, in an emergency, suspend a  
6 4 concession contract for the protection of the public health,  
6 5 safety, morals, or welfare.

6 6 Sec. 11. NEW SECTION. 461A.5A INJUNCTIVE RELIEF.

6 7 If it appears to the department that a person is violating  
6 8 or about to violate a provision of section 461A.4 or refuses  
6 9 to comply with an order issued by the commission pursuant to  
6 10 section 461A.4, the department may refer the matter to the  
6 11 attorney general, who may bring an action in the district  
6 12 court in any county of the state for an injunction to restrain  
6 13 the person from committing the violation. Upon a proper  
6 14 showing, the court may order a permanent or temporary  
6 15 injunction. The state shall not be required to post a bond.

6 16 Sec. 12. NEW SECTION. 461A.5B PENALTIES.

6 17 1. Except as provided in subsection 2, a person who  
6 18 violates a provision of section 461A.4 or of a departmental  
6 19 rule or refuses to comply with an order issued by the  
6 20 commission pursuant to section 461A.4 is guilty of a simple  
6 21 misdemeanor.

6 22 2. The state may proceed against a person who violates a  
6 23 provision of section 461A.4 or refuses to comply with an order  
6 24 issued by the commission pursuant to section 461A.4 by  
6 25 initiating an alternative civil enforcement action in lieu of  
6 26 a criminal prosecution. The amount of the civil penalty shall  
6 27 not exceed five thousand dollars. Each day of a violation  
6 28 shall be considered a separate offense. The alternative civil  
6 29 enforcement action may be brought against the person as a  
6 30 contested case proceeding by the department under chapter 17A  
6 31 if the amount of the civil penalty is not more than ten  
6 32 thousand dollars or as a civil judicial proceeding by the  
6 33 attorney general upon referral by the department. In a  
6 34 contested case proceeding, the department may impose, assess,  
6 35 and collect the civil penalty.

7 1 Sec. 13. Section 461A.6, Code 2007, is amended to read as  
7 2 follows:

7 3 461A.6 COSTS == LIEN.

7 4 The cost of ~~such removal~~ removing a structure as provided  
7 5 in section 461A.4 shall be paid by ~~the its~~ owner of said pier,  
7 6 wharf, sluice, piling, wall, fence, obstruction, erection or  
7 7 building, and the state shall have a lien upon the property  
7 8 removed for such costs ~~for the cost of removal.~~ Said The  
7 9 costs shall be payable at the time of removal and such lien  
7 10 may be enforced and foreclosed, as provided for the  
7 11 foreclosure of security interests in uniform commercial code,  
7 12 chapter 554, article 9, part 6.

7 13 Sec. 14. Section 461A.5, Code 2007, is repealed.

7 14 DIVISION V

7 15 DRIVING OVER ICE

7 16 Sec. 15. Section 462A.33, Code 2007, is amended to read as  
7 17 follows:

7 18 462A.33 DRIVING OVER ICE.

7 19 1. A person operating a craft or vehicle operating  
7 20 propelled by sail or by machinery in whole or in part shall  
7 21 not operate the craft or vehicle on the surface of ice on the  
7 22 lakes and streams of this state including but not limited to  
7 23 boundary streams and lakes and propelled by sail or by  
7 24 machinery in whole or in part, except unless the commission  
7 25 issues the person a permit.

7 26 2. Subsection 1 does not apply to automobiles, motorcycles  
7 27 and, or trucks registered under chapter 321; or snowmobiles  
7 28 registered under chapter 321G; or all-terrain vehicles,  
7 29 off-road motorcycles, or off-road utility vehicles registered  
7 30 under 321I, when they any of those vehicles are used without  
7 31 endangering public safety, shall not be operated without a  
7 32 permit issued by the commission for the operation. A permit  
7 33 may be revoked by the commission if the craft or vehicle is  
7 34 operated in a careless manner which endangers others.

7 35 3. Except when authorized by a permit for a special event,  
8 1 persons shall not operate automobiles, motorcycles, and trucks  
8 2 when used, all-terrain vehicles, off-road motorcycles, or  
8 3 off-road utility vehicles on the ice of waters under the  
8 4 jurisdiction of the commission shall not exceed fifteen miles  
8 5 per hour and shall be operated in a at a rate of speed greater  
8 6 than is reasonable and prudent manner or proper under all  
8 7 existing circumstances.

8 8 4. A permit issued by the commission pursuant to this  
8 9 section may be suspended or revoked by the commission if a  
8 10 craft or vehicle is operated in a careless manner which  
8 11 endangers others.

8 12 DIVISION VI

8 13 REPORTING HUNTING INCIDENTS

8 14 Sec. 16. Section 481A.18, Code 2007, is amended to read as  
8 15 follows:

8 16 481A.18 HUNTING ACCIDENTS INCIDENTS == MANDATORY  
8 17 REPORTING.

8 18 A This section applies to a person who is involved in a  
8 19 hunting accident incident with a firearm and the accident or a  
8 20 fall from a device that allows or assists a person to hunt  
8 21 from an elevated location, if the hunting incident results in  
8 22 an injury to a person, or property damage exceeding one  
8 23 hundred dollars. The person shall report the accident  
8 24 hunting incident to the sheriff's office in the county where  
8 25 the accident hunting incident occurred or to the department  
8 26 within twelve hours after the accident hunting incident  
8 27 occurred. If However, if an injury in caused by the accident  
8 28 hunting incident prevents timely reporting, the person shall  
8 29 make the report shall be made as soon as practicable. Failure  
8 30 A person who fails to report the hunting incident as required  
8 31 in this section is guilty of a simple misdemeanor.

8 32 DIVISION VII

8 33 RECIPROCITY

8 34 Sec. 17. Section 481A.19, Code 2007, is amended to read as  
8 35 follows:

9 1 481A.19 RECIPROCITY OF STATES.

9 2 1. a. Any person licensed by the authorities authority of  
9 3 Illinois, Minnesota, Missouri, Wisconsin, Nebraska, and or  
9 4 South Dakota to take fish, game, mussels, or fur-bearing  
9 5 animals from or in the waters forming the boundary between  
9 6 such states state and Iowa, may take them such fish, game,  
9 7 mussels, or fur-bearing animals from that portion of said  
9 8 waters lying within the territorial jurisdiction of this  
9 9 state, without having procured a license therefor for it from  
9 10 the director of this state, in the same manner that persons  
9 11 holding Iowa licenses may do, if the laws of Illinois,  
9 12 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota,  
9 13 respectively, extend a similar privilege to persons so

9 14 licensed under the laws of Iowa.

9 15 b. Any person licensed by the authority of Illinois,  
9 16 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to  
9 17 take fish, game, mussels, or fur-bearing animals from or in  
9 18 lands under the jurisdiction of any of those states may take  
9 19 such fish, game, mussels, or fur-bearing animals from or in  
9 20 lands under the jurisdiction of the commission when such land  
9 21 is wholly surrounded by that respective state, without having  
9 22 procured a license from the director of this state, in the  
9 23 same manner that persons holding Iowa licenses may do, if the  
9 24 laws of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or  
9 25 South Dakota, respectively, extend a similar privilege to  
9 26 persons so licensed under the laws of Iowa.

9 27 2. Any privileges conferred by this section shall be  
9 28 subject to a reciprocal agreement as negotiated by the  
9 29 commission and the authority of a state provided in subsection  
9 30 1 which confers upon a licensee of this state reciprocal  
9 31 rights, privileges, and immunities as provided in section  
9 32 483A.31.

9 33 Sec. 18. Section 483A.31, Code 2007, is amended to read as  
9 34 follows:

9 35 483A.31 RECIPROCAL ~~FISHING~~ PRIVILEGES AUTHORIZED.

10 1 1. Reciprocal fishing, hunting, or trapping privileges are  
10 2 contingent upon a grant of similar privileges by another state  
10 3 to residents of this state.

10 4 2. The commission may negotiate fishing, hunting, or  
10 5 trapping reciprocity agreements with other states.

10 6 3. When another state confers upon fishing, hunting, or  
10 7 trapping licensees of this state reciprocal rights,  
10 8 privileges, and immunities, a fishing, hunting, or trapping  
10 9 license issued by that state entitles the licensee to all  
10 10 rights, privileges, and immunities in the public waters or  
10 11 public lands of this state enjoyed by the holders of  
10 12 equivalent licenses issued by this state, subject to duties,  
10 13 responsibilities, and liabilities imposed on its own licensees  
10 14 by the laws of this state.

#### DIVISION VIII

##### SPECIAL HUNTING AND FISHING LICENSES

10 17 Sec. 19. Section 483A.24, subsection 13, Code Supplement  
10 18 2007, is amended to read as follows:

10 19 13. Upon payment of the fee of five dollars for a lifetime  
10 20 fishing license or lifetime hunting and fishing combined  
10 21 license, the department shall issue a lifetime fishing license  
10 22 or lifetime hunting and fishing combined license to a resident  
10 23 of Iowa who ~~is a veteran, as defined in section 35.1, or has~~  
10 24 ~~served in the armed forces of the United States for a minimum~~  
10 25 ~~aggregate of ninety days of on active federal service and who~~  
10 26 ~~was disabled or was a prisoner of war during that veteran's~~  
10 27 ~~military service. The department shall prepare an application~~  
10 28 ~~to be used by a person requesting a lifetime fishing license~~  
10 29 ~~or lifetime hunting and fishing combined license under this~~  
10 30 ~~subsection. The department of veterans affairs shall assist~~  
10 31 ~~the department in verifying the status or claims of applicants~~  
10 32 ~~under this subsection. As used in this subsection, "disabled"~~  
10 33 ~~means entitled to compensation a service connected rating~~  
10 34 ~~under the United States Code, Title 38, ch. 11.~~

#### DIVISION IX

##### HUNTER EDUCATION TRAINING

11 2 Sec. 20. Section 483A.27, subsections 1, 3, 6, and 11,  
11 3 Code Supplement 2007, are amended to read as follows:

11 4 1. A person born after January 1, 1972, shall not obtain a  
11 5 hunting license unless the person has satisfactorily completed  
11 6 a hunter safety and ethics education course approved by the  
11 7 commission. A person who is eleven years of age or more may  
11 8 enroll in an approved hunter safety and ethics education  
11 9 course, but a person who is eleven years of age and who has  
11 10 successfully completed the course shall be issued a  
11 11 certificate of completion which becomes valid on the person's  
11 12 twelfth birthday. A certificate of completion from an  
11 13 approved hunter safety and ethics education course issued in  
11 14 this state ~~since 1960, or a certificate issued~~ by another  
11 15 state, ~~or by a foreign nation, country, or province that meets~~  
11 16 ~~the standards adopted by the international hunter education~~  
11 17 ~~association~~ is valid for the requirements of this section.

11 18 3. The department shall provide a manual ~~on~~ regarding  
11 19 hunter safety and ethics education which shall be used by all  
11 20 instructors and persons receiving hunter safety and ethics  
11 21 education training in this state. The department may produce  
11 22 the manual in a print or electronic format accessible from a  
11 23 computer, including from a data storage device or the  
11 24 department's internet site.

11 25 6. A public or private school accredited pursuant to  
11 26 section 256.11 or an organization approved by the department  
11 27 may ~~co-operate~~ cooperate with the department in providing a  
11 28 course in hunter safety and ethics education or shooting  
11 29 sports activities as provided in this section.

11 30 11. ~~A hunter safety and ethics~~ An instructor certified by  
11 31 the department shall be allowed to conduct ~~an~~ departmental  
11 32 approved hunter safety and ethics education course or shooting  
11 33 sports activities course on public school property with the  
11 34 approval of a majority of the board of directors of the school  
11 35 district. ~~The conduct of~~ Conducting an approved hunter safety  
12 1 and ethics education course or shooting sports activities  
12 2 course is not a violation of any public policy, rule,  
12 3 regulation, resolution, or ordinance which prohibits the  
12 4 possession, display, or use of a firearm, bow and arrow, or  
12 5 other hunting weapon on public school property or other public  
12 6 property in this state.

12 7 Sec. 21. Section 483A.27, Code Supplement 2007, is amended  
12 8 by adding the following new subsection:

12 9 NEW SUBSECTION. 2A. The commission may establish, assess,  
12 10 and collect a fee which shall be imposed upon a person  
12 11 attending a hunter safety and ethics education course. The  
12 12 department shall establish the amount of the fee based on the  
12 13 actual cost of providing the instruction. The fees collected  
12 14 under this subsection shall be deposited into the fish and  
12 15 game protection fund created in section 456A.17.

#### DIVISION X

##### USE OF LASER SIGHTS BY BLIND HUNTERS

12 18 Sec. 22. Section 481A.93, subsection 2, Code 2007, is  
12 19 amended to read as follows:

12 20 2. This section does not apply to ~~deer~~ any of the  
12 21 following:

12 22 a. Deer being taken by or under the control of a local  
12 23 governmental body within its corporate limits pursuant to an  
12 24 approved special deer population control plan.

12 25 b. A person who is totally blind using a laser sight on a  
12 26 bow or gun while hunting, if all of the following apply:

12 27 (1) The person's total blindness is supported by medical  
12 28 evidence produced by an eye care professional who is an  
12 29 ophthalmologist, optometrist, or medical doctor. The eye care  
12 30 professional must certify that the person has no vision or  
12 31 light perception in either eye. The certification must be  
12 32 carried on the person of the totally blind person and made  
12 33 available for inspection by the department.

12 34 (2) The totally blind person is accompanied and aided by a  
12 35 person who is at least eighteen years of age and whose vision  
13 1 is not seriously impaired. The accompanying person must have  
13 2 a hunting license and pay the wildlife habitat fee as provided  
13 3 in section 483A.1 if applicable. During the hunt, the  
13 4 accompanying adult must be within arm's reach of the totally  
13 5 blind person, and must be able to identify the target and the  
13 6 location of the laser sight beam on the target. A person  
13 7 other than the totally blind person shall not shoot the laser  
13 8 sight=equipped gun or bow.

#### DIVISION XI

##### TRESPASSING WHILE HUNTING

13 11 Sec. 23. Section 716.8, subsection 5, Code Supplement  
13 12 2007, is amended to read as follows:

13 13 5. A person who commits a trespass ~~as defined in section~~  
13 14 716.7, subsection 2, paragraph "a", and takes a while hunting  
13 15 deer, other than a farm deer as defined in section 170.1 or  
13 16 preserve whitetail as defined in section 484C.1, commits a  
13 17 simple misdemeanor. The person shall also be subject to civil  
13 18 penalties as provided in sections 481A.130 and 481A.131. A  
13 19 deer taken by a person while committing such a trespass shall  
13 20 be subject to seizure as provided in section 481A.12.

#### DIVISION XII

##### CITATION IN LIEU OF ARREST

13 23 Sec. 24. Section 805.8B, subsection 5, Code Supplement  
13 24 2007, is amended to read as follows:

13 25 5. AQUATIC INVASIVE SPECIES VIOLATIONS. For violations of  
13 26 section 456A.37, subsection 5, the scheduled fine is ~~one~~ five  
13 27 hundred dollars.

#### DIVISION XIII

##### CODE CORRECTIONS

13 30 Sec. 25. Section 99F.1, subsection 12, Code Supplement  
13 31 2007, is amended to read as follows:

13 32 12. "Gambling structure" means any man-made stationary  
13 33 structure approved by the commission that does not include a  
13 34 racetrack enclosure which is subject to land-based building  
13 35 codes rather than maritime or ~~for~~ department of natural

14 1 resources inspection laws and regulations on which lawful  
14 2 gambling is authorized and licensed as provided in this  
14 3 chapter.  
14 4 Sec. 26. Section 354.22, unnumbered paragraph 1, Code  
14 5 2007, is amended to read as follows:  
14 6 The proprietors of lots within an official plat who wish to  
14 7 vacate any portion of the official plat shall file a petition  
14 8 for vacation with the governing body which would have  
14 9 jurisdiction to approve the plat at the time the petition is  
14 10 filed. After the petition has been filed, the governing body  
14 11 shall fix the time and place for public hearing on the  
14 12 petition. Written notice of the proposed vacation shall be  
14 13 served in the manner of original notices as provided in Iowa  
14 14 rules of civil procedure and be served upon proprietors and  
14 15 mortgagees within the official plat that are within three  
14 16 hundred feet of the area to be vacated. If a portion of the  
14 17 official plat adjoins a river or state-owned lake, the Iowa  
14 18 department of natural resources shall be served written notice  
14 19 of the proposed vacation. Notice of the proposed vacation  
14 20 shall be published twice, with fourteen days between  
14 21 publications, stating the date, time, and place of the  
14 22 hearing.

14 23 Sec. 27. Section 455G.2, subsection 12, Code 2007, is  
14 24 amended to read as follows:

14 25 12. "Insurance" includes any form of financial assistance  
14 26 or showing of financial responsibility sufficient to comply  
14 27 with the federal Resource Conservation and Recovery Act or the  
14 28 Iowa department of natural resources' underground storage tank  
14 29 financial responsibility rules.

14 30 Sec. 28. Section 483A.24, subsection 15, Code Supplement  
14 31 2007, is amended to read as follows:

14 32 15. The department may issue a permit, subject to  
14 33 conditions established by the department, which authorizes a  
14 34 student sixteen years of age or older attending an Iowa public  
14 35 or accredited nonpublic school who is participating in the  
15 1 Iowa department of natural resources fish Iowa! basic  
15 2 spincasting module to fish without a license as part of a  
15 3 supervised school outing.

#### 15 4 EXPLANATION

15 5 This bill amends a number of provisions relating to natural  
15 6 resources regulated by the department of natural resources,  
15 7 and specifically provisions under the jurisdiction of the  
15 8 natural resource commission, which provide for public land and  
15 9 outdoor recreation.

15 10 DIVISION I == COUNTY RESOURCE ENHANCEMENT COMMITTEE. The  
15 11 bill amends provisions in Code section 455A.20 which provides  
15 12 for persons serving on a county resource enhancement  
15 13 committee, including the chairpersons of the board of  
15 14 supervisors, county conservation board, commissioners of the  
15 15 soil and water district, and board of directors of each school  
15 16 district in the county. The bill eliminates a requirement  
15 17 that a designee appointed by a chairperson must be a member of  
15 18 their respective board or commission. The bill also amends a  
15 19 provision that provides that a mayor of a city in the county  
15 20 or a mayor's designee must serve on the committee, by  
15 21 eliminating a requirement that the designee must be a member  
15 22 of the city council.

15 23 DIVISION II == RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND  
15 24 LICENSES. The bill provides a common method for determining  
15 25 residency requirements for registering snowmobiles (Code  
15 26 chapter 321G), all-terrain vehicles (Code chapter 321I), and  
15 27 licensing including hunting and fishing licenses (Code chapter  
15 28 483A). The bill provides that a person who claims status as a  
15 29 resident must meet one of the specified criteria for each year  
15 30 that residency is claimed. The bill does not change the  
15 31 requirement that a full-time student who attends an  
15 32 educational institution in this state is a resident, but  
15 33 provides that the educational institution must be accredited.  
15 34 The bill also extends the provision to a student attending an  
15 35 educational institution outside this state so long as the  
16 1 student is under 25 years old and the student's parent or  
16 2 legal guardian maintains the person's principal and primary  
16 3 home or domicile in the state. The bill eliminates a  
16 4 requirement that provides that voter registration is proof of  
16 5 residency. One of the criteria for residency is modified to  
16 6 require a person to physically reside in the state as the  
16 7 person's principal and primary home or domicile for a period  
16 8 of not less than 180 consecutive days immediately prior to  
16 9 applying for or purchasing a resident license, tag, or permit  
16 10 and have an Iowa driver's license or Iowa nonoperator's  
16 11 identification card. The bill defines what constitutes a

16 12 "principal and primary home or domicile" for purposes of the  
16 13 bill.

16 14 The bill requires the department to determine whether a  
16 15 person maintains a primary home or domicile in this state  
16 16 based on a number of factors which may include the person's  
16 17 place of employment or domicile address on records. The  
16 18 department may require the person to provide evidence of the  
16 19 person's permanent residence.

16 20 DIVISION III == ALL-TERRAIN VEHICLES. The bill amends Code  
16 21 section 321I.2 by providing that the department may adopt  
16 22 rules regarding the operation or maintenance of designated  
16 23 riding trails. The bill provides that a person is subject to  
16 24 civil remedies for criminal prohibitions involving operating  
16 25 an all-terrain vehicle in a manner that damages growing stock  
16 26 at a tree nursery, on public land in violation of official  
16 27 signs, or in a park, wildlife area, preserve, refuge, game  
16 28 management area, or stream beds. The bill provides that on  
16 29 conviction for such a violation a court shall assess the  
16 30 defendant a civil penalty of \$250 to be deposited in the  
16 31 special all-terrain vehicle fund established in Code section  
16 32 321I.8, and that the court may order the defendant to pay  
16 33 restitution to the titleholder of land for damages caused by  
16 34 the defendant's violation, including to the state or other  
16 35 government entity.

17 1 DIVISION IV == CONSTRUCTION ON STATE=OWNED OR STATE=MANAGED  
17 2 LAND OR WATERS. The bill amends Code section 461A.4  
17 3 authorizing the department to regulate the construction of  
17 4 structures (piers, wharfs, sluices, pilings, walls, fences, or  
17 5 buildings) upon or over any state-owned land. The bill makes  
17 6 stylistic changes to the provisions, provides that the  
17 7 department's authority extends to state-managed land or  
17 8 waters, and provides for the issuance of orders to persons who  
17 9 are in violation of the law.

17 10 The bill creates new Code sections 461A.5A and 461A.5B  
17 11 providing the department with enforcement authority. It  
17 12 authorizes the department to obtain injunctive relief against  
17 13 a person who is in violation of Code section 461A.4 or refuses  
17 14 to comply with an order issued by the department. The bill  
17 15 rewrites but does not alter the criminal penalty for  
17 16 committing a violation of the Code section, which is a simple  
17 17 misdemeanor, and provides that the penalty applies to a person  
17 18 who fails to comply with an order issued by the department  
17 19 under that Code section. A simple misdemeanor is punishable  
17 20 by confinement for no more than 30 days or a fine of at least  
17 21 \$65 but not more than \$625 or by both. The bill provides that  
17 22 the state may also proceed against the person by initiating an  
17 23 alternative civil enforcement action in lieu of a criminal  
17 24 prosecution. The amount of the civil penalty cannot exceed  
17 25 \$5,000, and the bill provides for enforcement by the  
17 26 department or the attorney general upon referral by the  
17 27 department.

17 28 The bill eliminates Code section 461A.5 relating to the  
17 29 removal of obstructions because it includes redundant  
17 30 provisions and amends Code section 461A.6 referring to the  
17 31 department's authority to enforce a lien against a structure  
17 32 in a manner consistent with the other bill's provisions.

17 33 DIVISION V == DRIVING OVER ICE. The bill amends Code  
17 34 section 462A.33 which requires that certain crafts or vehicles  
17 35 cannot operate on ice over certain state waters without  
18 1 obtaining a permit from the department. The bill expands the  
18 2 types of vehicles not requiring a permit to include  
18 3 all-terrain vehicles, off-road motorcycles, and off-road  
18 4 utility vehicles. The bill amends a provision that prohibits  
18 5 vehicles from exceeding 15 miles per hour when traveling over  
18 6 ice on the waters of the state without a special permit. The  
18 7 bill replaces the speed limit with a requirement that the  
18 8 vehicle cannot exceed a rate of speed that is reasonable and  
18 9 proper.

18 10 DIVISION VI == REPORTING HUNTING INCIDENTS. The bill  
18 11 amends Code section 481A.18 which requires persons who are  
18 12 involved in an accident using a firearm while hunting to  
18 13 report the accident to the county sheriff or the department,  
18 14 if the accident caused injury or property damage of more than  
18 15 \$100. The bill provides that a report is required for any  
18 16 hunting incident involving a firearm or a device (such as  
18 17 so-called tree stand) that allows or assists a person to hunt  
18 18 from an elevated location. A person who fails to make such a  
18 19 report is guilty of a simple misdemeanor. A simple  
18 20 misdemeanor is punishable by confinement for no more than 30  
18 21 days or a fine of at least \$65 but not more than \$625 or by  
18 22 both.

18 23 DIVISION VII == RECIPROCITY. The bill amends Code section  
18 24 481A.19 which provides for reciprocal agreements with  
18 25 neighboring states to allow an Iowa resident to take fish,  
18 26 game, mussels, or fur-bearing animals in boundary waters. The  
18 27 bill provides a similar arrangement for a resident of a border  
18 28 state to take fish, game, mussels, or fur-bearing animals on  
18 29 land beyond the boundary of a boundary river, but which is  
18 30 still subject to Iowa sovereignty (e.g., land which is on the  
18 31 Nebraska side of the Missouri river but still considered Iowa  
18 32 territory under the Iowa-Nebraska Boundary Compromise). The  
18 33 bill amends provisions in 483A.31 which provides authority to  
18 34 the commission to negotiate such agreements involving hunting  
18 35 or trapping in addition to fishing.

19 1 DIVISION VIII == SPECIAL HUNTING AND FISHING LICENSES. The  
19 2 bill amends Code section 483.24 which provides for the  
19 3 issuance of a lifetime fishing license or lifetime combined  
19 4 hunting and fishing license to a resident of Iowa who is a  
19 5 veteran and who was disabled or a prisoner of war. The bill  
19 6 eliminates the reference to veteran status, a requirement that  
19 7 the person must have served a minimum aggregate 90 days in  
19 8 active service, or that the person must have been entitled to  
19 9 compensation under federal law.

19 10 DIVISION IX == HUNTER TRAINING. The bill amends Code  
19 11 section 483A.27 which requires that a person complete a hunter  
19 12 safety and ethics education course before being issued a  
19 13 hunting license. The bill provides that the certificate may  
19 14 be issued by another state, or a country, or province that  
19 15 meets the standards adopted by the international hunter  
19 16 education association. The bill authorizes the department to  
19 17 establish, assess, and collect a fee for conducting the  
19 18 course. Moneys from the fees are deposited into the fish and  
19 19 game protection fund. The bill also amends the Code section  
19 20 to provide that the department may produce hunter safety and  
19 21 ethics education courses in an electronic format.

19 22 DIVISION X == USE OF LASER SIGHTS BY BLIND HUNTERS. The  
19 23 bill provides that a person who is totally blind may hunt  
19 24 using a gun or bow equipped with a laser sight so long as the  
19 25 person is accompanied by a sighted person. The person's  
19 26 blindness must be certified by medical evidence.

19 27 DIVISION XI == TRESPASSING WHILE HUNTING. The bill amends  
19 28 Code chapter 716 which prohibits trespass to property as  
19 29 defined in Code section 716.7, presumably governing how that  
19 30 term is used throughout the Code chapter. The bill amends  
19 31 Code section 716.8 which provides that a person who commits  
19 32 trespass and takes a deer owned by the state is subject to a  
19 33 civil penalty. The bill eliminates the express reference to  
19 34 the definition of trespass provided in Code section 716.7,  
19 35 subsection 2, (entering upon or in property without the  
20 1 express permission of the owner, entering or remaining upon or  
20 2 in property without justification after being notified or  
20 3 requested to leave, entering on property to commit an unlawful  
20 4 use, or entering on railway property without lawful  
20 5 authority). The bill provides that a person who commits  
20 6 trespass while hunting commits a simple misdemeanor regardless  
20 7 of whether a deer is taken. A simple misdemeanor is  
20 8 punishable by confinement for no more than 30 days or a fine  
20 9 of at least \$65 but not more than \$625 or by both.

20 10 DIVISION XII == CITATION IN LIEU OF ARREST. The bill  
20 11 amends Code section 805.8B which authorizes the department to  
20 12 issue a citation for certain violations of law including for  
20 13 the spreading of an aquatic invasive species (Eurasian water  
20 14 milfoil), by increasing the scheduled fine from \$100 to \$500.

20 15 DIVISION XIII == CODE CORRECTIONS. The bill amends a  
20 16 number of Code sections by correcting the name of the  
20 17 department.

20 18 LSB 6563HC 82  
20 19 da/sc/14